

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## CIVIL MINUTES - GENERAL

<b>Case No.</b>	<b>CV 23-10100 FMO (BFMx)</b>	<b>Date</b>	<b>February 20, 2024</b>
<b>Title</b>	<b>Nancy Tomei v. Wyeth, et al.</b>		

Present: The Honorable Fernando M. Olguin, United States District JudgeVanessa FigueroaNone PresentDeputy ClerkCourt Reporter / RecorderAttorneys Present for Plaintiffs:Attorneys Present for Defendants:None PresentNone Present**Proceedings: (In Chambers) Order to Show Cause Re: Dismissal Re: Lack of Prosecution**

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. P. 12(a). The court may dismiss the action prior to the 90 days, however, if plaintiff(s) has/have not diligently prosecuted the action. With respect to service of individuals and/or business entities in a foreign country, plaintiff shall exercise all reasonable diligence and attempt service within the 90-day time period.

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing on or before **February 27, 2024**, why this action should not be dismissed for lack of prosecution. Pursuant to Fed. R. Civ. P. 78(b), the court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of:

- X** Proof(s) of service of summons and complaint on the following defendant(s):  
**WYETH, a corporation and Pfizer, a corporation**
- X** An answer by the following defendant(s):  
**WYETH, a corporation and Pfizer, a corporation**
- X** Plaintiff's application for entry of default pursuant to Fed. R. Civ. P. 55(a):  
**WYETH, a corporation and Pfizer, a corporation**

on or before the date indicated above. Failure to file a timely response to this Order to Show Cause shall result in the action or the above defendant(s) being dismissed for lack of prosecution and for failure to comply with the orders of the court. See Local Rule 41; Fed. R. Civ. P. 4 & 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962).

Initials of Preparer

vdr